

REMARKS/ARGUMENTS

Claims 1-2, 4, and 6-25 are pending.

Claims 1-2 and 4 have been amended.

Claims 3 and 5 have been cancelled.

Claims 6-25 have been added.

Support for the amendments is found in the claims and specification (e.g., pages 1 and 3-7, pages 13-14 and the Examples), as originally filed.

The specification has also been amended to correct a translation error.

No new matter is believed to have been added.

Applicants wish to thank the Examiner for a discussion on March 18, 2009. The Applicants' representative explained the invention. The prior art rejections were discussed in view of the proposed amendments. The Examiners indicated that if claim 1 is amended by introducing the limitations "injectable", "acetic acid and sodium acetate that render 7-ethyl-10-piperidinopiperidinocarbonyloxycamptothecin soluble by itself at a pH of 2 to 5," and "water", the prior art rejections would be likely withdrawn.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) over Ahmad et al., US 2006/0030578. The rejection is traversed because Ahmad et al. do not describe or suggest an injectable aqueous composition preparation (e.g., intravenous) comprising water, the claimed camptothecin and acetic acid and sodium acetate which is soluble by itself at a pH 2-5.

In the claimed aqueous solution preparation, camptothecin is solubilized at a pH 2-5 and does not require heating for increasing solubility (page 2 of the present specification). The claimed aqueous preparation is an injectable preparation (page 1 and the Examples of the present specification) and that camptothecin is not in a complex (e.g., with lipids) but is soluble by itself in an aqueous composition comprising water, the drug and acetic acid and sodium acetate at a pH 2-5 (page 1-3 of the present specification).

Ahmad et al. describe an oral lipid complex with irinotecan, wherein irinotecan is solubilized by *bonding* with a lipophilic compound or by *entrapping* within the interior of a liposome ([0050]). In the Ahmad et al. composition, irinotecan is not soluble by itself but only in a lipid complex. An aqueous solution of irinotecan is prepared at a pH 7-11 ([0010] and [0013]). This solution is used for re-hydrating the lipid phase, and the pH of the lipid complex with irinotecan is then adjusted to a pH 1-3.5 ([0020], [0027]-[0020], and the Examples).

Moreover, the claimed preparation is injected, e.g., intravenously, while the Ahmad et al. preparation is oral and comprises lipids and other compounds (e.g., chloroform, ethanol, etc.) which are not necessarily appropriate for injections, and in particular, intravenous injections.

Ahmad et al. do not describe or suggest an injectable aqueous composition preparation (e.g., intravenous) comprising water, the claimed camptothecin and acetic acid and sodium acetate which is soluble by itself at a pH 2-5.

Thus, Ahmad et al. do not anticipate the claimed solution preparation.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) over Chen et al., US 2003/0211180 (Chen I), or Chen et al., US 6,383,471 (Chen II), and Ahmad et al., US 2006/0030578. The rejections are traversed because the combinations of the references do not describe or suggest an injectable aqueous composition preparation (e.g., intravenous) comprising water, the claimed camptothecin and acetic acid and sodium acetate which is soluble by itself at a pH 2-5.

With regard to Chen I, the reference describes an oral composition or a suppository (claims 8-9) and a solution comprising irinotecan mixed with acetonitrile acidified by acetic

acid, wherein the solution is an external standard ([0265]-[0266]). Chen II describes an oral composition comprising irinotecan that may also comprise propylene glycol and cyclodextrins (col. 3-4) and also various acids (e.g., acetic acid, ascorbic acid, col. 11).

Chen I and II do not describe or suggest an injectable aqueous composition preparation (e.g., intravenous) comprising water, the claimed camptothecin and acetic acid and sodium acetate wherein camptothecin is soluble by itself at a pH 2-5.

One would not have reasonably expected that combining the lipid complex or an alkaline solution of irinotecan of Ahmad et al. with the components of Chen I or Chen II would have produced the claimed stable injectable preparation of irinotecan because Ahmad et al. solubilize irinotecan with lipids and other specific components, while Chen et al. solubilize drugs with a specific carrier, surfactants, and triglycerides (e.g., claim 1 of the patent '471) which are different from that of Ahmad et al.

Applicants request that the rejection be withdrawn.

A Notice of Allowance for all pending claims is requested.

Respectfully submitted,

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